

CRAIG MARTIN

IBLA 72-188

Decided May 12, 1972

Protest against issuance of an oil and gas lease because of error in simultaneous drawing procedures.

Reversed and Remanded.

Oil and Gas: Applications: Drawings

Where a properly filed card is inadvertently omitted from a drawing conducted under the oil and gas lease simultaneous drawing procedures, a new drawing will be conducted to include the omitted entry.

OPINION BY MR. FRISHBERG

Mr. Craig Martin protested a drawing conducted under the simultaneous filing procedures, 43 CFR 3112, because a card covering Parcel #30 for which he had filed was inadvertently omitted from the stack of cards covering that parcel. His protest was dismissed with the explanation that his card was erroneously included with others covering another parcel; accordingly, it was explained, he was not denied a fair chance to acquire a lease.

We do not agree with the dismissal of the protest. The sole question is whether the appellant was afforded an equal opportunity with the others who had filed for Parcel #30. The obvious answer is that he was denied all opportunity because his card was not included in the drawing for that parcel. He is entitled to an equal opportunity with others in the manner contemplated by the regulations.

Therefore, pursuant to the authority delegated to the Board of Land Appeals, (211 DM 13.5; 35 F.R. 12081), the decision below

is reversed and the case remanded for appropriate processing in accordance with the views expressed above.

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Newton Frishberg, Chairman

We concur:

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Edward W. Stuebing, Member

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Joan B. Thompson, Member

